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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/071,994	02/08/2002	Jochen Ziegler	20 01 0281	2013

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EXAMINER

MARSH, STEVEN M

ART UNIT PAPER NUMBER

3632

DATE MAILED: 03/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/071,994

Applicant(s)

ZIEGLER ET AL.

Examiner

Steven M Marsh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 9-17 is/are rejected.
- 7) ☒ Claim(s) 8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is the third office action for U.S. Application 10/071,994 for a Supporting Device for a Portable Device filed by Jochen Ziegler on February 8, 2002.

Claim Rejections - 35 USC § 102

Claims 1-3, 5-7, 9-12, and 14-17 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 4,196,674 to Van Laarhoven. Van Laarhoven discloses a supporting device for a portable device that has a supporting plate (35 and 36) and a supporting frame (30, 32 and 38). The supporting frame has a first end that can be placed on a surface and a second end (at the end of 38) that is adjustably arranged in a sliding guide (inner portion of 35) located at the supporting plate. There is a lever (45) for elevating the supporting frame, with a first end pivotally mounted at the supporting frame between the first end and the second end (at 48), around a first swivel axis that runs parallel to the base. The lever has a second end pivotally mounted on the supporting plate below the sliding guide around a second swivel axis running parallel to the first swivel axis (at 46). The sliding guide has a locking recess (40) along an edge bordering the support plate and the second end of the supporting frame is movable along the sliding guide, to vary a distance between the second end of the supporting frame and the second end of the lever, thereby engaging the locking recess to support a device.

The supporting frame can be adjusted to a position in which the supporting frame rests with a first side of the frame on the base and wherein the supporting plate, with a supporting area above the sliding guide, rests on a second side of the supporting frame.

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The supporting frame can also be adjusted to a position in which the supporting frame rests with a first side of the supporting frame on a side of the supporting plate facing the supporting plate, and wherein the lever runs mostly parallel to the first side of the supporting frame and mostly parallel to the side of the supporting plate between the frame and plate. The frame also has a side with a recess into which the lever extends and the plate has a recess into which the supporting frame is arranged while not in use (see fig. 3). The supporting device is an integral part of a portable device (22, when connected) and the portable device is a separate component. There are quick connectors (37) to secure the supporting device to the portable device and the supporting device is impact absorbing. The limitations directed towards the portable device in claims 14-17 are considered a subcombination of the supporting device, and therefore are given no patentable significance.

Claim Rejections - 35 USC § 103

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Van Laarhoven. Van Laarhoven does not disclose the second end of the lever arranged closer to the second end of the supporting frame than to the first end of the supporting frame. However, the distance between the second end of the lever and the second end of the supporting frame is dependent on the dimensions of the lever and supporting frame, which are a matter of design preference, which would be obvious to one of ordinary skill in the art at the time of the present invention.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Van Laarhoven. Van Laarhoven does not disclose the material that is used to make the supporting device. However, Applicant discloses that any synthetic material can be used and it would be obvious to one of ordinary skill in the art at the time of the present invention to use a plastic as a matter of design preference.

Allowable Subject Matter

Claim 8 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments in regards to Van Laarhoven filed January 14, 2004 have been fully considered but they are not persuasive.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e. the complete structure of the supporting frame of fig. 4) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Applicant also argues that the lever taught by Van Laarhoven does not elevate the end of the supporting frame. However, the lever 45 does appear to elevate 38 (by supporting 35).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Marsh whose telephone number is (703) 305-0098. The examiner can normally be reached on Monday-Friday from 8:00AM to 4:30 PM. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

SM

Steven Marsh

March 16, 2004



LESLIE A. BRAUN
SUPERVISORY PATENT EXAMINER